

# **EXHIBIT 6**

GLOWACKI, ET AL v. HOWELL PUBLIC SCHOOL  
DISTRICT, ET AL

JOHNSON McDOWELL

May 29, 2012

*Prepared for you by*



Bingham Farms/Southfield • Grand Rapids  
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JOHNSON McDOWELL  
May 29, 2012

Page 45

- 1 A. Not specifically, no.  
 2 Q. According to what you gained from the training, what  
 3 exactly was it that you took from the training where  
 4 you thought a student could say this or could not say  
 5 that?  
 6 A. I took from the --  
 7 MR. HENLEY: Object to vagueness.  
 8 MS. BARTOS: I was about to say that, too.  
 9 BY MS. MERSINO:  
 10 Q. Answer if you can, and let me know if you want me to  
 11 restate.  
 12 A. Restate.  
 13 Q. Once you went to the training and received the  
 14 training, leaving that training and knowing what you  
 15 had been taught there, what was it in your head, using  
 16 what the school district put on with Dr. McEvoy, was  
 17 it that you believed after receiving the training you  
 18 could tell a student to say or not to say?  
 19 MR. HENLEY: Object to foundation.  
 20 MS. BARTOS: Yeah. When he walked out of  
 21 there, what -- what did he believe a student could or  
 22 could not say?  
 23 MS. MERSINO: Yes.  
 24 MS. BARTOS: We could be here until next  
 25 Tuesday talking about what he --

Page 46

- 1 BY MS. MERSINO:  
 2 Q. Answer, if you can.  
 3 A. You're going to need to narrow the question.  
 4 Q. Did you believe after leaving that training that there  
 5 were certain things that you had to stop a student  
 6 from saying?  
 7 A. Yes.  
 8 Q. And did you believe after that training that there  
 9 were certain things that you could allow a student to  
 10 say?  
 11 A. Again, that question's too broad, because I -- yes, a  
 12 student can ask to go to the bathroom.  
 13 Q. Okay. So --  
 14 MS. BARTOS: Yeah.  
 15 BY MS. MERSINO:  
 16 Q. During the training, it was discussed students can say  
 17 some things but not others, correct?  
 18 A. Correct. As you know, in society we can say some  
 19 things and not others.  
 20 Q. And were you called upon in the training to stop a  
 21 student from saying something that they shouldn't say,  
 22 according to the training?  
 23 A. Yes. Yes. Sweat the small stuff. If you hear a  
 24 student calling another student the N word or the F  
 25 word, or something like that in the hallway, yes, stop

Page 47

- 1 it.  
 2 Q. And were you called upon to immediately stop it with  
 3 that student right then and there?  
 4 A. Yes, right then and there, immediate intervention,  
 5 yes.  
 6 Q. According to the training, were you called upon to  
 7 stop the student's speech in the middle of the class?  
 8 A. If the speech is inappropriate, yes.  
 9 Q. And what did they say was inappropriate speech during  
 10 the training?  
 11 MS. BARTOS: It's been asked and answered  
 12 like three times already.  
 13 BY MS. MERSINO:  
 14 Q. Please answer the question.  
 15 A. Speech that degrades or threatens a group or an  
 16 individual student.  
 17 Q. And was there any other definition of what exactly  
 18 that speech would be?  
 19 A. Not that I recall at this time, no.  
 20 Q. So it was left up to the personal subjectivity of each  
 21 teacher?  
 22 A. Yes.  
 23 Q. During the training, was there ever discussion about  
 24 how different students could have different religious  
 25 viewpoints?

Page 48

- 1 A. No.  
 2 Q. Was it ever discussed that a discussion could occur in  
 3 the class if people disagreed upon something?  
 4 A. Not in the way you're phrasing the question. I mean,  
 5 I teach classes that call for students to disagree;  
 6 that's the concept behind social issues. Or a  
 7 philosophy class, you want students to disagree, to  
 8 argue. So in the broad sense that you're asking that  
 9 question, no, the training didn't touch on that.  
 10 Q. So the training did not discuss that different  
 11 students could have an argument in class that would  
 12 further academic goals?  
 13 A. It was anti-bullying training.  
 14 MARKED FOR IDENTIFICATION:  
 15 DEPOSITION EXHIBIT 4  
 16 2:47 p.m.  
 17 BY MS. MERSINO:  
 18 Q. I'm handing you what has been marked as Plaintiff's  
 19 Exhibit 4. Do you recognize this document?  
 20 A. I do.  
 21 Q. And how do you recognize it?  
 22 A. It's Howell Public Schools Bylaws and Policies  
 23 regarding bullying and other aggressive behavior  
 24 towards students. Is this the policies and bylaws  
 25 that were in effect on October 20th, 2010?

JOHNSON McDOWELL  
May 29, 2012

Page 89	Page 91
1        administration and/or other documents, such as the 2        Student Code of Conduct that contains other 3        information. For example, this does not talk about 4        the length of skirts; however, we have a very strict 5        policy on the length of skirts that girls wear. That 6        is in the Student Code of Conduct.	1        A. No, it's not a controversial issue. Do you believe 2        it's a controversial issue? 3        Q. I'm not the person answering questions here. 4        A. But ultimately, you are. When you go to sleep at 5        night, you must answer those questions for yourself. 6        Q. Okay. Back to the policy here in discussing 7        controversial issues, does the school give any sort of 8        definition for what controversial issues are? 9        A. You have the policy in front of you. 10      Q. But in your understanding, did they say homosexuality 11     is not a controversial issue? 12      A. They did not say homosexuality is a controversial 13     issue. 14      Q. So is it up to each individual teacher to determine 15     what is or is not a controversial issue? 16      A. There are no specific issues listed in this bylaw that 17     are stated as being controversial. 18      Q. So how would a teacher know how to interpret the 19     controversial issues policy? 20      A. That's a very good question. 21      Q. As a teacher of the Howell Public School District, how 22     do you believe a teacher would know how to interpret 23     this policy and know which issues are controversial? 24      A. I don't know how teachers would know which issues are 25     controversial when they're not listed in the policy.
1        you're familiar and know how to interpret the 2        policies? 3        A. That's correct. 4                  MARKED FOR IDENTIFICATION: 5                  DEPOSITION EXHIBIT 10 6                  3:48 p.m. 7        BY MS. MERSINO: 8        Q. I'm handing you Exhibit 10, Controversial Issues 9        Policy 2240. Do you recognize this policy? 10      A. I do. 11      Q. How do you recognize it? 12      A. It is Controversial Issues Policy 2240. 13      Q. And had you read this policy prior to October 20th of 14     2010? 15      A. Yes. 16      Q. And in reading this policy, did you believe that it 17     was appropriate to discuss bullying in class? 18      A. Yes. 19      Q. Did you believe it was appropriate to discuss 20     homosexuality in class? 21      A. Counsel, are you saying that bullying and -- bullying 22     and homosexual issues are controversial issues? 23      Q. I'm asking you. In your interpretation of the policy, 24     do you believe that homosexuality is a controversial 25     issue?	1        Q. Do you think had you known which issues were 2        controversial and not controversial, you would have 3        been more able to conduct your class in accordance 4        with the First Amendment? 5                  MR. HENLEY: Objection, calls for a legal 6        conclusion. 7                  MS. BARTOS: Yeah, you're making really 8        broad assumptions there that he didn't conduct his 9        class in conformance with the First Amendment. 10      BY MS. MERSINO: 11      Q. Do you understand the question? 12      A. I do. It's very broad. I mean, I conducted my class 13     in accordance with the First Amendment, and I don't 14     know that the controversial issues bylaw would change 15     any of that. 16      Q. Okay. So if the school were to list which issues were 17     controversial and which issues were not listed as 18     controversial, would that help you, as a teacher, 19     interpreting this policy? 20      A. Yes. 21      Q. If it were listed that homosexuality was a topic that 22     was a controversial issue, would you have discussed it 23     in your sixth hour classroom on the 20th of October of 24     2010? 25                  MS. BARTOS: Objection, calls for

JOHNSON McDOWELL  
May 29, 2012

<p style="text-align: center;">Page 105</p> <p>1 Q. Okay. And are either offensive to you?      2 A. "I don't accept gays" is offensive.      3 Q. Even when the T-shirt says "because I'm a Catholic"?      4 A. Did a student wear a T-shirt that said such a thing?      5 Q. No. I'm asking in your professional judgment, would      6 that cause you alarm?      7 MS. BARTOS: Calls for speculation, but you      8 can answer.      9 THE WITNESS: I would refer to -- I would      10 send the student to the office to have the school      11 district make a judgment on that.      12 BY MS. MERSINO:      13 Q. So to you, it would cause some alarm at least enough      14 to notify --      15 A. Yeah. "I do not accept gays part," yes.      16 Q. Would you make the student take off the T-shirt in      17 your classroom?      18 A. Which T-shirt?      19 Q. If it said "I do not accept gays because I'm      20 Catholic."      21 A. I just said I would send them to the office.      22 Q. So you would ask for them to be removed from your      23 class?      24 A. No, I would ask for -- just like when a girl comes in      25 with a skirt that may be too short, send them to the</p>	<p style="text-align: center;">Page 107</p> <p>1 support homosexuality"?      2 MS. BARTOS: What's your question?      3 BY MS. MERSINO:      4 Q. Would that person be allowed to stay? Would they be      5 sent down to the office?      6 A. And how is support for a group of people offensive?      7 Q. That's what I'm asking you. Would that --      8 A. Support for a group of people is not offensive. If a      9 student wore "I support Catholics," that's not      10 offensive.      11 Q. Okay. So if the student wears "I support      12 homosexuality," that person will not be sent down to      13 the office?      14 A. That's not offensive. Support for a group is not      15 offensive.      16 Q. So the answer is no?      17 A. No.      18 MARKED FOR IDENTIFICATION:      19 DEPOSITION EXHIBIT 12      20 4:09 p.m.      21 BY MS. MERSINO:      22 Q. You've just been handed Exhibit 12. It's 8800(B),      23 Religious Expression in the District. Would you      24 please review this administrative guideline?      25 A. Okay.</p>
<p style="text-align: center;">Page 106</p> <p>1 office for the office to make a decision on that skirt      2 is not disciplinary in nature; it's asking the      3 district to make a decision as to whether the student      4 is violating the dress code. If the district says      5 they're not, then they're not.      6 Q. But the student would not be allowed to stay in class;      7 they would have to get a second opinion?      8 A. It's a common procedure that if we believe a dress      9 code is being violated, for example, if a student wore      10 a Hooters' shirt in the past, not since this      11 lawsuit -- now they can wear whatever they want -- but      12 in the past, if someone had a Hooters' shirt on, there      13 were instances where that was deemed as being      14 offensive to women.      15 And so we would just send them down to the      16 office, and the district would make a decision and we      17 would abide by that decision. If a student wears a      18 shirt that says "I want you to rub my Johnson," we      19 send them to the office and ask them to make a      20 determination on whether that's offensive or vulgar or      21 not.      22 Q. Okay. And when the student is going down to the      23 office, the student is not participating in the class?      24 A. That is standard procedure, yes.      25 Q. What about if a student wore a shirt that said "I</p>	<p style="text-align: center;">Page 108</p> <p>1 Q. Now, looking at really the second full paragraph,      2 beginning in -- with the word "generally," going to      3 the last sentence. It states, "School officials,      4 however, should intercede to stop student speech that      5 constitutes harassment aimed at a student group or a      6 group of students."      7 A. Uh-huh.      8 Q. Is that what you relied upon when you acted on the      9 20th of October of 2010?      10 A. I did not rely upon 8800(B), I relied upon the school      11 district policy that talks about disruption in class      12 and being a behavioral issue in class.      13 Q. Okay. Had you reviewed this administrative guideline      14 at all prior to the 20th of October of 2010?      15 A. I have seen this, yes, because I teach religion.      16 Q. So you were familiar with this policy?      17 A. Uh-huh.      18 Q. As a religion teacher, did you receive any specific      19 training in regard to the religious rights of students      20 in the classroom?      21 A. Not as a religion teacher. I teach the academic      22 subject of religion. That's what I have the master's      23 degree in. So in terms of religious expression, did I      24 receive training, no.      25 Q. Do you agree with this sentence here that, "School</p>

JOHNSON McDOWELL  
May 29, 2012

Page 109	Page 111
<p>1       officials, however, should intercede to stop student  2       speech that constitutes harassment aimed at a student  3       group or a group of students"?</p> <p>4       A. I do agree with that.</p> <p>5       Q. And do you believe that your actions on the 20th of  6       October 2010 were in compliance with this policy?</p> <p>7       A. I don't believe my -- I believe my actions were not in  8       violation of this policy, but I did not rely upon this  9       policy. I relied upon other policies dealing with  10      disruptive students.</p> <p>11      Q. Specifically snap suspension?</p> <p>12      A. Uh-huh.</p> <p>13           MARKED FOR IDENTIFICATION:  14           DEPOSITION EXHIBIT 13  15           4:14 p.m.</p> <p>16      BY MS. MERSINO:</p> <p>17      Q. You've been handed Exhibit 13, which is dated October  18      25th, 2010. And in the memorandum labeled as a  19      "written reprimand," are you familiar with this  20      document?</p> <p>21      A. I am.</p> <p>22      Q. And how are you familiar with it?</p> <p>23      A. It was presented to me October 25th; I signed it,  24      dated it.</p> <p>25      Q. And in this memorandum, you see that the school</p>	<p>1       A. Not on me, no. I didn't bring it.  2       Q. Do you possess it?  3       A. It would be in my personnel file.  4       Q. The school board also stated that you had violated the  5       student's First Amendment rights, according to this  6       memorandum, correct?  7       A. According to this memorandum, yes.  8       Q. And were you surprised in accordance with the training  9       that you received and with your belief of what the  10      policies were at the school district, that they  11      determined that you violated the --  12      A. Yes. I was surprised, yes.  13      Q. And why were you surprised?  14      A. I felt that I had followed school board policy and  15      procedures.  16      Q. And why is that?  17      A. Because I felt that I had followed school board policy  18      and procedures.  19      Q. According to what the -- they taught you and trained  20      you to do?  21      A. Yes, that's correct.</p> <p>22           MARKED FOR IDENTIFICATION:  23           DEPOSITION EXHIBIT 14  24           4:17 p.m.</p> <p>25      BY MS. MERSINO:</p>
Page 110	Page 112
<p>1       district decided that you had violated certain board  2       policies, correct?</p> <p>3       A. Yes.</p> <p>4       Q. And they stated that you had violated School Board  5       Policy 5610, Emergency Removal, Suspension and  6       Expulsion of Non-Disabled Students, correct?</p> <p>7       A. I see that in this written reprimand they say that I  8       violated that, yes.</p> <p>9       Q. And the school board or school district further stated  10      that you violated the controversial issues, School  11      Board Policy 2240, correct?</p> <p>12      A. I see that it says that, yes.</p> <p>13      Q. Were you surprised when the school board came back  14      with these?</p> <p>15      A. Yes, absolutely.</p> <p>16      Q. Why were you surprised?</p> <p>17      A. Because I hadn't violated any of them, and the  18      subsequent grievance process proved that.</p> <p>19      Q. And how did it prove that you had not violated these  20      board policies?</p> <p>21      A. Because this is no longer in my disciplinary file.</p> <p>22      Q. And what is now in your disciplinary file?</p> <p>23      A. A written reprimand, but it contains none of these  24      violations of school board policy.</p> <p>25      Q. Do you have a copy of the written reprimand?</p>	<p>1       Q. Looking at Exhibit 14, do you recognize this?  2       A. Yes, it is the settlement agreement on my grievance.  3       Q. And looking at the last page, this is also dated  4       October 25th, 2010, and is titled Written Reprimand.  5       Is this now what is in your personnel file?  6       A. Yes, that's correct.  7       Q. Okay. Now, this states that you disregarded a  8       student's constitutionally-protected rights to self  9       expression to wear a belt buckle, which you found  10      personally objectionable, correct?  11      A. Yes, that is what it states.  12      Q. And it also states that in addition, you loudly and  13      angrily dismissed another student from the class for  14      expressing an opinion which you deemed intolerant and  15      unacceptable, an action which may have violated the  16      student's right to free speech; is that correct?  17      A. That is what it says, yes.  18      Q. And did you sign this document?  19      A. Yes.  20      Q. The one that's in your personnel file?  21      A. Yes.  22      Q. And by signing, you acknowledged the issues with what  23      occurred on the 20th of October of 2010?  24      A. By signing it, I acknowledged this written reprimand,  25      yes.</p>

JOHNSON McDOWELL  
May 29, 2012

	Page 117	Page 119
1	A. No comment ever.	buy a Tyler's Army T-shirt.
2	Q. And after the 20th of October of 2010, has there ever been any comment?	Q. Who asked you that?
3	A. Still no comment.	A. Wendy Hiller.
4	Q. Has the school district ever come back and said, you know, we looked at class rule No. 2 and we have any concerns about it?	Q. Who is Wendy Hiller?
5	A. They have never done that.	A. She's an English teacher at the freshman campus.
6	Q. Has anyone ever asked you to define what you deem to be homophobia?	Q. The freshman campus, is that part of Howell High School?
7	A. No one has ever done that.	A. Yes, that's part of the high school.
8	Q. What do you deem to be homophobia?	Q. Are there two separate campuses?
9	A. Homophobia is the degradation and threatening of homosexual students.	A. Two separate campuses.
10	Q. And again, no one from the school district has ever talked to you about this?	Q. And she asked you if you would want to purchase the T-shirt?
11	A. No.	A. Uh-huh.
12	Q. And fair to say you have the same syllabus or same class rules for all the classes you teach?	Q. Did she describe the T-shirt to you?
13	A. Yes, that's correct.	A. Yeah, she did.
14	Q. And when did you implement these class rules?	Q. How did she describe it?
15	A. For certain I can say from 2009 on, but my guess is it goes back as far as 2004, 2005, something to that effect.	A. She described it as it says "Tyler's Army" on the front, referring to Tyler Clementi, the young man who killed himself. And then "Army" refers to Dumbledore's Army, a reference to Harry Potter. And on the back it says something like "killing evil with kindness," or something to that effect.
16	Q. For all of your classes in 2010, did you have these	Q. Did you know about Tyler Clementi prior?
17		A. Yes, I watched the shows, yes.
18		Q. And you found out about him through just the
	Page 118	Page 120
1	same class rules, including class rule No. 2?	national --
2	A. Uh-huh.	A. CNN, yes, NPR.
3	Q. And currently you have the same class rules?	Q. Was it described what color the T-shirt would be?
4	A. Uh-huh.	A. I believe the day called for purple shirts, so I guess I probably assumed it was a purple shirt.
5	Q. Can you tell me how anti-bullying day originated, when you first found out about it?	Q. Does that have any sort of significance?
6	A. I can't tell you how --	A. It's a color often associated with LGBT groups; but besides that, I don't know if it has any significance.
7	MS. BARTOS: That's two questions. Why don't you break it down. How did he find out about it, or how was it originated?	Q. Is the purpose of the shirt being purple to associate it with an LGBT group or --
8		A. I don't know why Miss Hiller chose purple. Maybe she likes Barney.
9	BY MS. MERSINO:	Q. Was Tyler Clementi an individual who, to your knowledge, associated with an LGBT group?
10	Q. Are you able to answer the question?	A. Yeah.
11	A. It would be better if you separated them, because they are two very different questions.	Q. Now, when you received this invitation to purchase the T-shirt from Miss Hiller, what did you do?
12	Q. Okay. If you want to handle how it originated first.	A. I said sure, I would take one.
13	A. I don't know how it originated. It's a -- it was a national anti-bullying day, so I don't know how a national thing originates.	Q. And what was the arrangement to get the T-shirt?
14	Q. Do you know any organizations that supported or were behind the anti-bullying day?	A. We were going to meet in a dark parking lot at midnight.
15	A. I would assume many organizations were behind it.	MS. BARTOS: For the record, you're joking.
16	Q. Could you name any personally?	THE WITNESS: I'm joking. I'm sorry, I'm joking. She just brought it to me the next day.
17	A. No, not really.	BY MS. MERSINO:
18	Q. When did you first find out about it?	
19	A. I found out about it when I was asked if I wanted to	

JOHNSON McDOWELL  
May 29, 2012

<p style="text-align: right;">Page 121</p> <p>1 Q. Was there an exchange of money for the T-shirt?      2 A. I think there was supposed to be, but I don't think I      3 ever paid her.      4 MS. BARTOS: Nice.      5 THE WITNESS: Well, you know.      6 BY MS. MERSINO:      7 Q. Did she --      8 A. Other things intervened.      9 Q. Did she ask for money?      10 A. Yeah. I think she wanted to cover the cost of, you      11 know, creating the shirt.      12 Q. And how much was the shirt?      13 A. \$5 or \$10.      14 Q. And it was Miss Hiller who came up with the design for      15 the T-shirt?      16 A. I believe so. It was her that brought the concept of      17 the T-shirt to me, so I don't know whether her -- who      18 designed it for her. Whether she designed it herself,      19 I don't know.      20 Q. Do you know if she had them made?      21 A. I assume she had them made. I would assume she had      22 them made at a T-shirt shop.      23 Q. Was this in accordance with a group at school?      24 A. That, I don't know. I don't know why she made it. I      25 do know that the Gay-Straight Alliance was promoting</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. What did the poster say on it?      2 A. That, I don't remember.      3 Q. But you remember that it specifically said something      4 about anti-bullying day?      5 A. Right. Uh-huh.      6 Q. Was the poster approved by the school, or the entire      7 activity of the anti-bullying day?      8 A. I don't know the answer to that question. I do know      9 the poster was approved. I believe that the      10 administration knew about the T-shirts.      11 Q. Who on the administration would have known about the      12 T-shirts, to your knowledge?      13 A. The principal and the assistant principals.      14 Q. So Aaron Moran?      15 A. Uh-huh.      16 Q. Jen Goodwin and Dr. Mark Sharp?      17 A. Yes.      18 Q. Anyone else?      19 A. Morrison Borders.      20 Q. Who is a vice principal, as well?      21 A. Uh-huh.      22 Q. Does each student group have a designated teacher      23 sponsor?      24 A. Yes, they do.      25 Q. And who is the designated teacher sponsor for the</p>
<p style="text-align: right;">Page 122</p> <p>1 the national anti-bullying day, and that was approved      2 by the school.      3 Q. And what is the Gay-Straight Alliance?      4 A. It's a school organization.      5 Q. Is it an organization at Howell High School?      6 A. Uh-huh, many high schools across the nation.      7 Q. And you said that this activity was approved by the      8 school.      9 A. The Gay-Straight Alliance had put up posters about the      10 anti-bullying day around the school, and that was      11 approved by the school. You can't put posters up      12 without approval.      13 Q. What is the procedure for getting school approval to      14 put up a poster?      15 A. You take it to the principal, and the principal      16 approves or disapproves it.      17 Q. Do the principals have like a stamp they have on the      18 poster?      19 A. Yes.      20 Q. Were you ever able to see a stamp on the poster for      21 the anti-bullying day?      22 A. Yes, it had Aaron Moran's name stamped on it.      23 Q. For the anti-bullying day, which was on behalf of the      24 Gay-Straight Alliance?      25 A. Uh-huh.</p>	<p style="text-align: right;">Page 124</p> <p>1 Gay-Straight Alliance?      2 A. At that time, I believe it was Laura Stark.      3 Q. How do you spell her name?      4 A. S-t-a-r-k.      5 Q. Do you know if the Gay-Straight Alliance had anything      6 to do with the T-shirts?      7 A. I do not.      8 Q. Do you know individuals who are members of the      9 Gay-Straight Alliance?      10 A. I do not.      11 Q. How many people on the 20th of October were wearing      12 these T-shirts?      13 A. Many. That's all I -- I couldn't give you a specific      14 number.      15 Q. How many people in your class were wearing the Tyler's      16 Army T-shirts?      17 MS. BARTOS: In this class? In 6th hour?      18 BY MS. MERSINO:      19 Q. In 6th hour economics class.      20 A. I believe in a statement somewhere I say how many, but      21 I don't remember how many that was, but there -- there      22 were several.      23 Q. What does several mean to you?      24 A. Seven to 10.      25 Q. And throughout the day, adding together all of your</p>

JOHNSON McDOWELL  
May 29, 2012

	Page 125	Page 127
1	classes that day, how many students were wearing	1 A. I related to teen suicide due to bullying.
2	Tyler's Army T-shirts?	2 Q. And did you have a hard copy of the video at that
3	A. 40, 50 in my classes.	3 time, or was it something that you played from the
4	Q. Were there any announcements made about this day?	4 website?
5	A. I do not remember.	5 A. Played from a website. Can we take a break?
6	Q. In addition to the note that you received from Wendy	6 MS. MERSINO: Sure.
7	Hiller, what other information did you receive about	7 (Off the record at 4:37 p.m.)
8	the anti-bullying day?	8 (Back on the record at 4:40 p.m.)
9	A. I don't -- I don't recall.	9 MARKED FOR IDENTIFICATION:
10	Q. Did you talk about it at all during HEA meetings?	10 DEPOSITION EXHIBIT 16
11	A. No. It wouldn't be appropriate during HEA meetings.	11 4:40 p.m.
12	Q. Did teachers make any sort of effort to discuss	12 BY MS. MERSINO:
13	anti-bullying day during the class?	13 Q. I'm going to show you what has been marked as Exhibit
14	A. Did other teachers?	14 16. It's the last exhibit for this round.
15	Q. Yes.	15 (At about 4:54 p.m., CD played.)
16	A. I'm sure they did. I believe they did, yes.	16 Q. Do you recognize Exhibit 16?
17	Q. Had you talked with other teachers about anti-bullying	17 A. I do.
18	day?	18 Q. And how do you recognize it?
19	A. Outside of the discussion regarding the T-shirt, I	19 A. It is the full video, of which I showed part in class.
20	don't think so, no. I'm a very busy man.	20 Q. Which part did you show in class?
21	Q. And did Wendy Hiller have any sort of discussion about	21 A. The first three minutes and 30 seconds.
22	anti-bullying day?	22 Q. And are you positive that's the first three minutes
23	A. Probably while we were talking about the T-shirt.	23 and --
24	Q. So you found out through her, and then you saw a	24 A. I just checked it.
25	poster from the Gay-Straight Alliance?	25 Q. You showed this in your 6th hour economics class on
	Page 126	Page 128
1	A. That would be a rough chronology, sure.	1 the 20th of October?
2	Q. Did you see any sort of other information outside of	2 A. I did.
3	the school, like on the news or on different websites?	3 Q. And which other classes did you show it to?
4	A. I may have, but I don't remember. It doesn't stand	4 A. Every other class.
5	out of note.	5 Q. When you say "every other class," can you list those
6	Q. I'm just wondering how you knew it was anti-bullying	6 classes for me?
7	day, beyond the email and the poster.	7 A. The classes I taught that day, which would have been
8	A. That would have been sufficient for me, for one	8 world religions. I don't remember whether I had two
9	teacher to come to me. A teacher could come to me and	9 world religions and one economics, or one economics
10	say it's -- it's leukemia awareness day, will you wear	10 and two world religions that semester, as well as
11	a leukemia awareness T-shirt? Sure, I'll do that.	11 social issues. Social issues, I would have taught
12	Q. Was there any discussion that this was specifically	12 five classes that day; what the exact combination of,
13	about teen suicide of homosexual students?	13 I don't remember.
14	A. I think teen suicide, in general, from bullying.	14 Q. Did you show the video to each of the five classes?
15	Q. How did --	15 A. Uh-huh.
16	A. It was shortly after the Irish girl killed herself,	16 Q. So five times that day?
17	the freshman.	17 A. Yes.
18	Q. How did you come about the video that we referred to	18 Q. Each time was it only the first --
19	earlier, that was referred to in your answer to	19 A. Three minutes.
20	paragraph 8 of Exhibit 1, the video where you gave the	20 Q. Three minutes and 30 seconds?
21	website address of the gay politics website?	21 A. Yes.
22	A. I don't remember. I don't want to speculate. I don't	22 Q. Just a couple more questions before we wrap up. Was
23	remember.	23 it the school district's training, supervision,
24	Q. How did you form the decision to play the video in	24 policies, customs and procedures that were your
25	class?	25 justification or the reason why you issued a snap

JOHNSON McDOWELL  
May 29, 2012

Page 133

Page 135

- 1 Q. And so half the class were talking with Daniel?  
 2 A. I would say at least a third, yeah.  
 3 Q. So now it's a third of the class were talking with  
 4 Daniel?  
 5 A. Not talking; arguing.  
 6 Q. Arguing?  
 7 A. This was a substantial disruption that Daniel created  
 8 in the classroom, hence the snap suspension.  
 9 Q. And how long did this argument take place?  
 10 A. Probably for 10 minutes before I decided that that was  
 11 enough and we needed to get back to work.  
 12 Q. Given the fact that the school district reprimanded  
 13 you on the 25th of October, 2010, and now there is  
 14 some sort of written reprimand of some sort currently  
 15 in your file, do you believe that the school district  
 16 failed to adequately train or supervise you with what  
 17 occurred in the classroom on the 20th of October of  
 18 2010?  
 19 MS. BARTOS: Wait. You're -- wait a minute.  
 20 You're making the assumption that Mr. McDowell did  
 21 something wrong, and he's not accepting that  
 22 assumption. You're saying okay, you weren't trained  
 23 correctly, were you; that's why you messed up. That's  
 24 what your question was.  
 25 BY MS. MERSINO:

1 counsel for the respective parties hereto.)  
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Page 134

Page 136

- 1 Q. Do you understand the question?  
 2 A. I do understand the question, and I do not believe  
 3 that I messed up in class. I followed school board  
 4 policies and removed a disruptive student.  
 5 Q. Okay. So the fact that the school district now says  
 6 that you did not follow policies, does that make you  
 7 believe that they inadequately trained you?  
 8 A. I believe that I acted within the school board  
 9 policies and removed a disruptive student.  
 10 Q. Do you believe that the school district did everything  
 11 they could so you understood the policies as you  
 12 should have, in order not to be reprimanded?  
 13 A. I believe the school board has policies that I  
 14 followed in snap suspending Daniel Glowacki.  
 15 Q. And the school district has since reprimanded you for  
 16 what you did on the 20th of October 2010; is that  
 17 correct?  
 18 A. That is correct.  
 19 MS. MERSINO: Does counsel have questions  
 20 for today?  
 21 MR. HENLEY: None for today.  
 22 MS. MERSINO: I think we're done. We'll see  
 23 on you the 5th.  
 24 (The deposition was concluded at 5:05 p.m.  
 25 Signature of the witness was not requested by

1 CERTIFICATE OF NOTARY  
 2 STATE OF MICHIGAN )  
 3 ) SS  
 4 COUNTY OF BAY )

6 I, MARIE M. PUCHEL, certify that this  
 7 deposition was taken before me on the date  
 8 hereinbefore set forth; that the foregoing questions  
 9 and answers were recorded by me stenographically and  
 10 reduced to computer transcription; that this is a  
 11 true, full and correct transcript of my stenographic  
 12 notes so taken; and that I am not related to, nor of  
 13 counsel to, either party nor interested in the event  
 14 of this cause.

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 22 MARIE M. PUCHEL, CSR-0212  
 23 Notary Public,  
 24 Bay County, Michigan  
 25 My Commission expires: August 27, 2013